AO 88 (Rev. 1/94) Subpoena in a Civil Case

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Pittsburgh, PA 15219-1905

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. . Jones, Gregg, Creehan & Gerace, LLP

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MANNER OF SERVICE

David S. Bloom, Esquire

Attorney

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TITLE

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#### **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

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DATE

SIGNATURE OF SERVER

428 Boulevard of the Allies

ADDRESS OF SERVER

Pittsburgh, PA 15219

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate. sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may. within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises, if objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance: (ii) requires a person wild is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transants business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held. or (iii) requires disciosure of privileged or other protected

matter and no exception or waiver applies. or (iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disciosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.
- (d) DUTIES IN RESPONDING TO SUBPOENA.
- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that Is sufficient to enable the demanding party to contest the claim. marks of hypothesis to the second of the sec

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE.

CIVIL

Plaintiff.

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

VS.

Civil Action No. 00-2466

SHAYEN A. GEORGE, M.A.,

JURY TRIAL DEMANDED

Defendant.

#### **EXHIBIT "A" TO SUBPOENA**

To:

JONES, GREGG, CREEHAN & GERACE, LLP 411 SEVENTH AVENUE, SUITE 1200 PITTSBURGH, PA 15219-1905

ATTN: RICHARD B. SANDOW, ESQUIRE

#### **DOCUMENTS TO BE PRODUCED**

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

Page 1

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servers, memoranda of all types, inter-office communications, studies, summaries, analyses, reports, opinions, offerings, solicitations, and results of investigations. Further, the words "Document" or "Documents" are intended to refer to any medium by which information is recorded including "papers" of any kind or character, photographs and any method or medium by which information is utilized by computers of any size or devices which utilize computer processing chips and/or megabytes.

- All documentation regarding the incorporation of PSYCHOLOGY 1. SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS.
- 2. All documentation regarding the organization of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- 3. All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL **EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT** SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- 4. All documentation regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- 5. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC. PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.
- 6. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC. PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC. PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.

Page 2 00283419.1

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within MOTION FOR ORDER QUASHING SUBPOENA DIRECTED TO PSYCHOLOGY SUPPORT SERVICES, LLC AND JONES, GREGG, CREEHAN & GERACE, LLP FOR PRODUCTION OF DOCUMENTS was served upon the following parties, on this 2844 day of January, 2003, by First Class Mail, Postage Prepaid:

Stanley M. Stein, Esquire FELDSTEIN GRINBERG STEIN & MCKEE 428 Boulevard of the Allies Pittsburgh, PA 15219 (Counsel for Plaintiff)

Brian T. Must, Esquire Metz, Schermer & Lewis, LLC 11 Stanwix Street Pittsburgh, PA 15222

JONES, GREGG, CREEHAN & GERACE

BY:

P. CORCORAN, OR., ESOUIRE

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

JUDGE SCHWAB
MAGISTRATE JUDGE MITCHELL

Plaintiff,

vs.

1

CIVIL ACTION NO:

NO: 00-2466

SHAYEN A. GEORGE, M.A.,

Defendant,

PSYCHOLOGY SUPPORT SERVICES, LLC,

Intervenor.

### ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_\_, 2003, upon consideration of the Motion To Quash filed by Psychology Support Services, LLC, and argument thereon, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion to Quash is GRANTED.

BY TI	HE COURT:	
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### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JUDGE SCHWAB MARY L. WHITE,

MAGISTRATE JUDGE

**EXHIBIT** 

MITCHELL

Plaintiff,

CIVIL ACTION NO:

NO: 00-2466

SHAYEN A. GEORGE, M.A.,

vs.

Defendant.

PSYCHOLOGY SUPPORT SERVICES, LLC,

Intervenor.

# MOTION FOR PROTECTIVE ORDER FILED ON BEHALF OF PSYCHOLOGY SUPPORT SERVICES, LLC AND JONES, GREGG, CREEHAN & GERACE, LLP

Pursuant to Rule 26 of the Federal Rules of Procedure, Psychology Support Services, LLC and Jones, Gregg, Creehan & Gerace, LLP by and through their undersigned counsel, Jones, Gregg, Creehan & Gerace LLP, hereby respectfully move this Honorable Court to enter a Protective Order to prevent discovery of confidential business and financial information of Psychology Support Services, LLC, and in support thereof states as follows<sup>1</sup>:

Psychology Support Services, LLC hereby incorporates its Motion for Order Quashing Subpoenas for Production of Documents and Brief in Support of Motion for Protective Order as if fully set forth at length.

- 1. The Plaintiff Mary L. White ("White") served subpoenas upon the following non-parties pursuant to Federal Rule of Civil Procedure 45:
  - a) Psychology Support Services, LLC. (Subpoena attached hereto as Exhibit "A");
  - b) Jones, Gregg, Creehan & Gerace, LLP<sup>2</sup>; (Subpoena attached hereto as Exhibit "B")
- 2. Psychology Support Services, LLC provides support services for Clinics providing psychological care and treatment.
- 3. The document requests attached to the Subpoenas directed to Psychology Support Services, LLC and Jones, Gregg Creehan & Gerace, LLP request the following documents be produced relative to Psychology Support Services, LLC:
  - (1) All documentation regarding the incorporation of Psychology Support Services
  - (2) All documentation regarding the organization of Psychology Support Services from 1999 to the present.
  - (3) All documentation regarding the conducting of business of Psychology Support Services from 1999 to the present
  - (4) All documentation regarding the management and officers of Psychology Support Services from 1999 to the present
  - (5) All documentation of Psychology Support Services, LLC regarding trademark, service mark and/or copyright applications, filings and/or claims from 1999 to the present.

<sup>&</sup>lt;sup>2</sup>White also served Subpoenas upon Professional Employee Management Services, LLC; Psych Support Systems; and Psychology Support Systems. These entities do not exist at this time. To the extent, that these were previous names registered for Psychology Support Services, LLC, all records are in the possession of Psychology Support Services, LLC.

- (6) All documentation of Psychology Support Services, LLC, regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.
- 4. Neither Psychology Support Services LLC nor Jones, Gregg, Creehan and Gerace, LLP are parties to this action.
- 5. White has formed and currently operates a mental health agency known as the Family Counseling and Children's Services (hereinafter "FCCS").
- 6. FCCS directly competes with Associate in Counseling and Child Guidance ("ACCG") an entity to which Psychology Support Services, LLC provides support services.
- 7. The documents which White is requesting seek confidential commercial and proprietary information of Psychology Support Services, LLC.
- 8. The only purpose for seeking Psychology Support Services, LLC financial records is to use those records to benefit White's competing agency, FCCS. Indeed, the entire purpose for filing the federal lawsuit and seeking discovery of Psychology Support Services, LLC financial and commercial documents is to obtain this financial information to benefit FCCS in the marketplace.
- 9. The document requests seek information which is privileged and/or other protected financial matter.

10. The document request requires disclosures of confidential research, development and commercial information.

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- orders over material not on file with the court that a district court retains the power to modify or lift confidentiality orders that it has entered. Seattle Times Co. v. Rhinehart, 467 U.S. 20, 33 n. 19 (1984); Pansy v. Borough of Stroudsburg, 23 F.3d 772, 784-85 (3d. Cir 1994).
- 12. Similarly, Fed. R. Civ. P. 26 (c)(7) permits "a party" or "person from whom discovery is sought" to move the court for a protective order and provides that "for good cause shown," the court "may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or -undue burden or expense including ... that a trade secret or research, development confidential other or commercial information not be revealed or be revealed only in a designated way ... " Thus, the power to grant confidentiality orders is not unlimited and such orders should not be granted arbitrarily. Lee v. A.R.T. Studio Clay Company, Inc. 2001 WL 503393 (E.D. Pa. 2001).
- 13. It has been held by the Third Circuit that "good cause" is established when it is specifically demonstrated that disclosure will cause a clearly defined and serious injury to the party seeking disclosure. Glenmede Trust Company v.

Thompson, 56 F.3d 476, 483 (3d. Cir. 1995), citing Pansy, 23 F.3d at 787-791.

- 14. The Third Circuit has further recognized several factors, which are neither mandatory nor exhaustive, that may be considered in evaluating whether good cause exists:
  - whether disclosure will violate any privacy interests;
  - 2) whether the information is being sought for a legitimate purpose or for an improper purpose;
  - 3) whether disclosure of the information will cause a party embarrassment;
  - 4) whether confidentiality is being sought over information important to public health and safety;
  - 5) whether the sharing of information among litigants will promote fairness and efficiency;
  - 6) whether a party benefiting from the order of confidentiality is a public entity or official; and
  - 7) whether the case involves issues important to the public.

Glenmede Trust Company v. Thompson, 56 F.3d 476, 483 (3d. Cir. 1995), citing Pansy, 23 F.3d at 787-791.

15. The documents sought are not reasonably calculated to lead to admissible evidence in this litigation. To the contrary, the financial records are being sought only for the

illegitimate purposes of giving FCCS a competitive advantage in the market place.

- 16. The document requests are not limited in time and seek every financial and corporate record of Psychology Support Services, LLC. Therefore, the requests are overbroad and should be stricken.
- 17. The records requested seek privileged attorney work-product materials, attorney/client protected materials, accountant/client privilege materials and materials prepared in anticipation of litigation in the various lawsuits between Psychology Support Services, LLC and White, which are currently before the Court of Common Pleas of Mercer County.
- 18. As a mental health clinic support provider, Psychology Support Services, LLC financial and business records have absolutely no relevance to the litigation between White and George.
- 19. The Subpoenas require disclosure of trade secrets and confidential commercial information to the public, when such information is irrelevant to the litigation.
- 20. This Motion for Protective Order and the Motion to Quash filed contemporaneously herewith constitute objections to the Subpoenas issued pursuant to Federal Rules of Civil Procedure 45(c)(2)(B).

WHEREFORE, Psychology Support Services, LLC hereby respectfully request that this Court enter a Protective Order precluding discovery of any financial and commercial information relating to Associates in Counseling and Child Guidance, Inc.

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

BY:

RICHARD B. SANDOW

∕∕A ID #30914

JOHN P. CORCORAN, JR. PA ID # 74906

JONES, GREGG, CREEHAN & GERACE, LLP Firm #140

411 SEVENTH AVENUE, SUITE 1200 PITTSBURGH, PA 15219-1905 (412) 261-6400

COUNSEL FOR PSYCHOLOGY SUPPORT SERVICES, LLC, AND ASSOCIATES IN COUNSELING AND CHILD GUIDANCE, INC.

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	·	La management
272 East Connelly Boulevard, Sharon, PA 1	6146	February 7, 2003
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Warid Solan Att	torney for Plaintiff	1/10/03

David S. Bloom, Esquire

Feldstein, Grinberg, Stein & McKee

428 Boulevard of the Allies, Pittsburgh, PA 15219 (412) 263-6105

(See Rule 45, Federal Rules of Civil Procedure, Paris C & D on Reverse)

ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

CIVIL

Plaintiff,

CHIEF JUDGE ZIEGLER MAGISTRATE JUDGE MITCHELL

VS.

Civil Action No. 00-2466

SHAYEN A. GEORGE, M.A.,

JURY TRIAL DEMANDED

Defendant.

#### **EXHIBIT "A" TO SUBPOENA**

To: **PSYCHOLOGY SUPPORT SERVICES, LLC** 272 EAST CONNELLY BLVD. **SHARON, PA 16146** 

#### DOCUMENTS TO BE PRODUCED

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

Page 1 00283415.1

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- 1. All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC.
- All documentation regarding the conducting of business of 2. PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.
- All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC 3. regarding sources of income from 1999 to the present.
- 4. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.
- All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC 5. regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC from 1999 to the present.
- 6. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.
- 7. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

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WESTERN	TRICT OF	PENNSYLVAN	IA
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428 Boulevard of the Allies, Pittsburgh, PA

<sup>(</sup>See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

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#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit Inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting in the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) falls to allow reasonable time for compliance:

(ii) requires a person w o is not a party or an officer of a party to travel to a place more that 100 miles from the place where that person resides, is employed or regularly, transacte business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies. or

(iv) subjects a person to undue burden.

#### (B) if a subpoena

Pirtsburgh, PA 15219

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### (d) DUTIES IN RESPONDING TO SUBPOENA.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or 'subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

CIVIL

Plaintiff,

CHIEF JUDGE ZIEGLER MAGISTRATE JUDGE MITCHELL

VS.

Civil Action No. 00-2466

SHAYEN A. GEORGE, M.A.,

JURY TRIAL DEMANDED

Defendant.

### **EXHIBIT "A" TO SUBPOENA**

To:

JONES, GREGG, CREEHAN & GERACE, LLP **411 SEVENTH AVENUE, SUITE 1200 PITTSBURGH, PA 15219-1905** 

ATTN: RICHARD B. SANDOW, ESQUIRE

#### DOCUMENTS TO BE PRODUCED

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- All documentation regarding the incorporation of PSYCHOLOGY 1. SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and **PSYCHOLOGY SUPPORT SYSTEMS.**
- All documentation regarding the organization of PSYCHOLOGY 2. SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- 3. All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- All documentation regarding the management and officers of 4. PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, 5. PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.
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Page 2 00283419.1

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within MOTION FOR PROTECTIVE ORDER was served upon the following parties, on this day of January, 2003 by First Class Mail, Postage Prepaid:

STANLEY M. STEIN, ESQUIRE FELDSTEIN GRINBERG STEIN & MCKEE 428 BOULEVARD OF THE ALLIES PITTSBURGH, PA 15219 (COUNSEL FOR PLAINTIFF)

BRIAN T. MUST, ESQUIRE
METZ SCHERMER & LEWIS, LLC
11 STANWIX STREET
PITTSBURGH, PA 15222

JONES, GREGG, CREEHAN & GERACE, LLP

JOHN P. CORCORAN, JR., ESQUIRE

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE, : JUDGE SCHWAB

: MAGISTRATE JUDGE

MITCHELL

Plaintiff,

:

vs. : CIVIL ACTION NO:

: NO: 00-2466

SHAYEN A. GEORGE, M.A.,

1

:

Defendant.

PSYCHOLOGY SUPPORT SERVICES, LLC,

Intervenor.

# ORDER OF COURT

AND NOW, this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_, 2003, upon consideration of the Motion for Protective Order filed by Psychology Support Services, LLC, and argument thereon, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion for Protective Order is GRANTED. Discovery of financial and business information related to Psychology Support Services, LLC is not permitted.

BY THE COURT:

J





# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,	) Civil Action No.: 00-CV-2466
Plaintiff,	) Judge Donald E. Ziegler
v.	) Magistrate Judge Mitchell
SHAYEN A. GEORGE, M.A.	) MC 03-49
Defendant.	)

# DEFENDANT'S MOTION FOR PROTECTIVE ORDER AND MOTION TO QUASH SUBPOENAS

Defendant, Shayen A. George, M.A. ("George"), by and through his duly appointed counsel, METZ LEWIS LLC, files the following Motion for Protective Order and Motion to Quash Subpoenas pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure:

- 1. The Plaintiff in this case, Mary L. White ("White"), has caused five Subpoenas to be served upon a number of non-parties, all surrounding a company called Psychology Support Systems, LLC ("PSS"). A copy of those Subpoenas is attached hereto as Exhibits 1-5.
- 2. Pursuant to Federal Rule of Civil Procedure 26(c), upon motion by a party and for good cause shown, the Court may make any Order which justice requires to protect a party or a person from annoyance, embarrassment, oppression or undue burden or expense. See F.R.C.P. 26(c).
- 3. Similarly, pursuant to Federal Rule of Civil Procedure 45(c), a Court may quash or modify a subpoena to protect a person subject to or affected by the subpoena if it subjects a

EXHIBIT

D

All of the subpoenas relate to PSS and are directed either at other versions of the PSS name, prior corporations that no longer exist, or the Jones Gregg law firm.

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person to an undue burden or requires the disclosure of privileged or other protected material, trade secrets or other confidential research, development, or commercial information. See F.R.C.P 45(c).

- 4. While the party resisting discovery ordinarily bears the burden of establishing lack of relevancy, the party seeking discovery must also demonstrate a real and practical need for the information sought. See Richard McCurdy v. Wedgewood Capital Management Co., Inc., 1998 U.S. Dist. LEXIS 18875, Civil Action No. 97-4304 (E.D. Pa. November 16, 1998); Consolidated Rail Corp. v. United States, 812 F.2d 1444, 1463 (3rd Cir. 1987). In this case, the Subpoena in question is designed solely to further harass George.
- 5. Further, given that the subpoenas are directed at non-parties, it is important to note that said non-parties are entitled to a heightened protection. In Re: Letters Rogatory, 144 F.R.D. 272 (E.D. Pa. 1992); Siegel, Practice Commentary (45-20) Duty to Avoid "Undue Burden" on Subpoenaed Person; Sanctions for Abuse, 28 U.S.C.A., Fed.R.Civ.P. 45.
- 6. The documents requested by the subpoenas have no relevance to this case. Plaintiff has alleged in her Complaint the existence of a purported oral agreement between her and Shayen George regarding the creation of Associates in Child Guidance, Inc. ("ACCG"), a nonprofit corporation, and its relationship with Associates in Child Guidance ("ACG"), a for profit corporation. PSS is not a party, and its only connection to this case is that it has a contract with ACCG to provide computer services. Documents relating to PSS's incorporation, organization, conducting of business, management and officers, intellectual property and advertisements, all of which are sought via the subpoenas, have no bearing on whether any such oral agreement exists or the damages arising from any alleged breach of such oral agreement.

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- 7. The Plaintiff is well aware that PSS has a contract with ACCG to provide support services for the same. Moreover, Plaintiff is well aware that George's daughter, Stacey George, is involved in PSS. Plaintiff is attempting to involve George's daughter in this litigation in an attempt to pressure and harass both her and/or George by requesting business documents of PSS.
- 8. Given the lack of relevance of the documents requested, Defendant George moves for a protective order and/or that the subpoenas be quashed.

WHEREFORE, for all of the foregoing reasons, Defendant Shayen A. George, M.A., respectfully moves this Court for an Order granting its Motion for Protective Order and Motion to Quash Subpoena.

Respectfully submitted,

METZ LEWIS LLC

Steven Petrikis, Esquire

Pa. I.D. No.: 34426

Michael P. Robic II, Esquire

Pa. I.D. No.: 75578

11 Stanwix Street, 18<sup>th</sup> Floor Pittsburgh, PA 15222 (412) 918-1100

Attorneys for Defendant: Shayen A. George, M.A.

# Issued by the UNITED STATES DISTRICT COURT

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<sup>(</sup>See Rule 45, Federal Rules of Chill Procedure, Parts C & D on Reverse)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number,

Logical Styles, 1987 Sept. AO 88 (Rev. 1/94) Subpoena in a Civil Case

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David S. Bloom, Esquire	Attorney
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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate. sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

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(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises, if objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting the inspection and copying commanded.

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# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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CIVIL

Plaintiff.

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MAGISTRATE JUDGE MITCHELL

VS.

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SHAYEN A. GEORGE, M.A.,

JURY TRIAL DEMANDED

Defendant.

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To:

PSYCH SUPPORT SYSTEMS 272 EAST CONNELLY BLVD. SHARON, PA 16146

#### **DOCUMENTS TO BE PRODUCED**

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Page 2 00283415.1

AO 88 (Rev. 1/94) Subpoena in a Civil Case

# Issued by the

UNITED STA	TES DISTRICT COURT	
WESTERN	DISTRICT OF PENNSYLVAL	NIA
MARY L. WHITE,	SUBPOENA IN	A CIVIL CASE
V.	•	
SHAYEN A. GEORGE	CASE NUMBER:	00-2466
TO: Psychology Support Systems 272 East Connelly Boulevard Sharon, PA 16146  YOU ARE COMMANDED to appear in the United Sta	person served to appear a together with the fees for mileage. FURTHER, this anyone to produce docume expense.	and imposes no duty on the anywhere, if it was not serve or one day's attendance and subpoena imposes no duty out or things at his or her own time specified below to testify in the server in the ser
the above case.	•	•
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		DATE AND TRAC
YOU ARE COMMANDED to produce and permit inspedate, and time specified below (list documents or objective actuached Exhibit "A."		uments or objects at the place,
272 East Connelly Boulevard, Sharon,	PA 16146	February 7, 2003
YOU ARE COMMANDED to permit inspection of the	following premises at the date and time	e specified below.
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Any organization not a party to this suit that is subpoend irectors, or managing agents, or other persons who consignated, the matters on which the person will testify. For the particle process of the person will testify. For the person will testify the person will testify. At the person is name aboness and phone number.	onsent to testify on its behalf, and ma Federal Rules of Civil Procedure, 30(b)(	ly set forth, for each person
vid S. Bloom, Esquire Feldstein, Grinb	erg, Stein & McKee	15010 (/10) 262 6106
428 Boulevard of	the Allies, Pittsburgh, PA	15219 (412) 263-6105

<sup>(</sup>See Rule 45, Federal Rules of CNS Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance, state district under case number.

3O 88 (Rev. 1/94) Subpoena in a Civil Case

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**CIVIL** 

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# Issued by the

, ·	WESTERN	UNITED STATES		PENNSYLV	JANTA
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MARY	L. WHITE,			•	N A CIVIL CASE
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					DATE AND TIME
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	See attached Exhibi	t "A."			
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] YO		ermit inspection of the following	premises at	the date and tin	ne specified below.
PREMISES			·		DATE AND TIME
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X	CER S NAME ADDRESS AND PHONE NU	Attorney for P	laintiff	<del></del>	1/10/03
	5. Bloom, Esquire	Feldstein, Grinberg, 428 Boulevard of the			A 15219 (412) 263-61

<sup>(</sup>See Rule 46, Federal Rules of CM Procedure, Parts C & D on Reverse) If action is pending in district other than district of issuance, state district under case number.

Filed 11/15/2005

AO 88 (Rev. 1/94) Subpoena in a Civil Case

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	PROOF OF SERVICE
DATE 1/10/03 SERVED	PLACE 411 Seventh Avenue, Suite 1200 Pittsburgh, PA 15219-1905
Jones, Gregg, Creehan & Gerace, LLP SERVED ON (PRINT NAME)	Certified mail Freturn receipt requested  MANNER OF SERVICE
David S. Bloom, Esquire	Attorney
SERVED BY (PRINT NAME)	TITLE  THE SECURITY STOCKS OF THE SECURITY ST
DEC	CLARATION OF SERVER
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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate, sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (8) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting to the inspection and copying commanded.
- 3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance:
  (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacte business in

person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.

(B) If a subpoena

confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (d) DUTIES IN RESPONDING TO SUBPOENA.
- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or 'subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE.

CIVIL

Plaintiff,

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

VS.

Civil Action No. 00-2466

SHAYEN A. GEORGE, M.A.,

JURY TRIAL DEMANDED

Defendant.

## **EXHIBIT "A" TO SUBPOENA**

To: JONES, GREGG, CREEHAN & GERACE, LLP 411 SEVENTH AVENUE, SUITE 1200 PITTSBURGH, PA 15219-1905 ATTN: RICHARD B. SANDOW, ESQUIRE

# **DOCUMENTS TO BE PRODUCED**

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attorneys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

Page 1

00283419.1

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- 1. All documentation regarding the incorporation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS.
- 2. All documentation regarding the organization of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- 3. All documentation regarding the conducting of business of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL **EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT** SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- All documentation regarding the management and officers of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS from 1999 to the present.
- 5. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC, PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.\*
- 6. All documentation of PSYCHOLOGY SUPPORT SERVICES, LLC. PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC, PSYCH SUPPORT SYSTEMS and PSYCHOLOGY SUPPORT SYSTEMS regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.

00283419.1 Page 2 

# Issued by the UNITED STATES DISTRICT COURT

TOF PENNS	YLVANIA
SUBPOENA	IN A CIVIL CASE
CASE NUMBER:	00-2466
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ca Court at tine place, date,	and thre specined below to result
	COURTROOM
	DATE AND TIME
ne specified below to testi	fy at the taking of a deposition in t
	DATE AND TIME
16146	February 7, 2002 10:00 a.m.
premises at the date and	1 time specified below.
	DATE AND TIME
	nail designate one or more officers d may set forth, for each perso
viles of Civil Procedure, 3  y for Plaintiff  ein & McKee	O(b)(6).  DATE  1/10/03
	SUBPOENA  CASE NUMBER:  This subpoena is inverse person served to apper together with the feets mileage. FURTHER, anyone to produce doc expense.  Ict Court at the place, date, and copying of the following of the following premises at the date and the taking of a deposition shall be taking the taking taking the taking taking the taking takin

<sup>(</sup>See Rule 45, Federal Rules of CM Procedure, Parts C & D on Reverse)

If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a	Civil	Case
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	PRO	OF OF SERVICE
SERVED	DATE 1/10/03	PLACE 272 East Connelly Boulevard Sharon, PA 16146
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David S. Bloom, E	Esquire	Attorney
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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

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- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (8) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance:
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(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

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(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

### (d) DUTIES IN RESPONDING TO SUBPOENA.

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- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
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# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARY L. WHITE,

CIVIL

Plaintiff.

CHIEF JUDGE ZIEGLER
MAGISTRATE JUDGE MITCHELL

VS.

00283415.1

Civil Action No. 00-2466

SHAYEN A. GEORGE, M.A.,

JURY TRIAL DEMANDED

Defendant.

## **EXHIBIT "A" TO SUBPOENA**

To: PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC 272 EAST CONNELLY BLVD. SHARON, PA 16146

## **DOCUMENTS TO BE PRODUCED**

The words "Document" or "Documents" are used in their customary broad sense as set forth in the Federal Rules of Civil Procedure and includes without limits on all written, printed, recorded or graphic matter, photographic matter or sound reproductions, however produced or reproduced, in the actual or constructive possession, custody, care or control of the Defendant, his agents, employees, representatives and attomeys, or any of them, and/or other third parties as designated herein, and whether or not now in existence, including, but not limited to originals or copies (where originals are unavailable or where the copy differs in any respect from the original) including, without limiting the generality of the foregoing, letters, correspondence, notes, tapes, microfilms, telegrams, notes and sound recordings, minutes of directors' meetings and of committee meetings, minutes of all other types of meetings, magnetic tapes, computer discs of any size, CDs, computer hard drives, Internet accounts, e-mails, PDAs (personal digital assistants or handheld computers), network or computer

Page 1

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- 1. All documentation regarding the incorporation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC.
- 2. All documentation regarding the conducting of business of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC from 1999 to the present.
- 3. All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding sources of income from 1999 to the present.
- 4. All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding sources of income from Associates in Counseling and Child Guidance, Inc. from 1999 to the present.
- 5. All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding the management and officers of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC from 1999 to the present.
- 6. All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding trademark, servicemark and/or copyright applications, filings and/or claims from 1999 to the present.
- 7. All documentation of PROFESSIONAL EMPLOYEE MANAGEMENT SERVICES, LLC regarding listings and/or advertisements in any electronic or printed media from 1999 to the present.

00283415.1 Page 2 Case 2:00-cv-02466-ARH Document 190-2 Filed 11/15/2005 Page 46 of 50

# Issued by the UNITED STATES DISTRICT COURT

RICT OF PENNSYLVA	NIA
SUBPOENA II	N A CIVIL CASE
CASE NUMBER:	00-2466
person served to appear together with the fees	d, and imposes no duty on r anywhere, if it was not ser for one day's attendance
anyone to produce documexpense.	nents or things at his or her
istrict Court at the place, date, an	d time specified below to testi
· · · · · · · · · · · · · · · · · · ·	COURTROOM
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······································	CATE AND TIME February 7, 2003 10:00 a.m.
,6	February 7, 2003 10:00 a.m.
,6	DATE AND TIME February 7, 2003 10:00 a.m. The specified below.  OATE AND TIME  designate one or more officers hay set forth, for each person (6).
ing premises at the date and tire or the taking of a deposition shall to testify on its behalf, and in a Rules of Civil Procedure, 30(b)	DATE AND TIME February 7, 2003 10:00 a.m. The specified below.  DATE AND TIME  designate one or more officers hay set forth, for each perso (6).
) 	SUBPOENA II  CASE NUMBER:  This subpoena is invalid person served to appeal together with the fees mileage. FURTHER, this anyone to produce documents.

If action is cending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

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·	DATE : [7 [0703	PLACE 272 East Connelly Boulevard	
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David S. Bloom	Esquire	Attorney	
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Document 190-2

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00283415.1 Page 2